IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal from Order No. 1217 of 1995.
Krishnakumar Karsandas Ashar.

..Appellant.

Versus.

The Municipal Corpn.Thane.

..Respondent.

Ms. Gauri Godse for appellant.

R.S. Apte for Respondent.

CORAM:A.M.KHANWILKAR,J.
DATED:18.03.2006

P.C.:-

. This appeal takes exception to the judgment and order passed by the Civil Judge,Senior Division, Thane dated 5.9.1995 below Exh.5 in Special Civil Suit No. 1226 of 1994 rejecting the application for interim injunction during the pendency of the suit preferred by the appellant.

. The present appeal has remained pending in this Court since the year 1995. All throughout the suit structure has been protected on account of interim order passed by this Court. I am informed that suit filed by the appellant is of year 1994, is still pending for hearing.

. In the interest of justice, therefore,instead of entering into contentious

issues raised in the present appeal, I would prefer to continue the interim arrangement directed by this Court to continue till the disposal of the suit pending before the trial Court. Besides, the trial Court is directed to expedite the hearing of the suit as "High Court expedited matter". The trial Court to finally dispose of the suit preferrably by the end of 2006.

. It is made clear that suit will have to be decided on its own merits on all contentions available to the parties. This observation is made as it is brought to my notice that during the pendency of the suit, portion of the suit structure has been demolished. I am informed that in view of the subsequent development/ action against part of suit structure will have to be proceeded with. All these questions are left open to be decided by the trial court.

. Appeal disposed of on the above terms.

. No order as to costs.

[A.M.KHANWILKAR. J]